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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/578,277	05/25/2000	Indira C. Prabhakar	5205 P3005.01	6173

7590

01/19/2006

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EXAMINER

PENDLETON, BRIAN T

ART UNIT

PAPER NUMBER

2644

DATE MAILED: 01/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/578,277

Applicant(s)

PRABHAKAR ET AL.

Examiner

Brian T. Pendleton

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 October 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 May 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments, see the Appeal Brief, filed 10/28/05, with respect to claims 1-6 have been fully considered and are persuasive. The rejection of the claims has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Gilmore and Hanson et al.

### ***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 2, and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gilmore, US Patent Application Publication 2005/0209733 in view of Hanson et al, US Patent 5,835,455. Gilmore discloses an automatic medicine dispenser comprising an inherent on/off switch, keypad 10 for entering a code that provides access to a recording function (see paragraph 72), microphone 122 on personal message unit 112 for recording an oral message in the medication reminder device (see paragraph 81), said keypad also used for entering a month, date and time of day schedule (see paragraphs 17 and 84 which imply that the schedule is based on a pre-programmed time, day, date, and calendar). The oral message is recorded for the month, date, and time of day. Paragraph 74 discloses that audible and visible indicators are generated when a pre-programmed dosage of medicine is to be taken. Gilmore does not disclose that visible signal to alert the individual that it is time to take medicine is turned off in response to playing the oral message which is played upon pressing a play button. Hanson et al teach an audio prescription instruction device comprising playback button 20 which is used to play an oral

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message related to medicine that is to be taken. Therefore, it was well known at the time of invention to generate an audio message at the touch of a button. Furthermore, Examiner takes Official Notice that the use of a visible indicator indicating that a message is waiting to be played and playing the message upon activation of a button and turning off the visible indicator was well known at the time of invention, specifically in the form of telephone answering machines, voice mail applications, etc. The visible indicator advantageously was used as a pronounced signal to alert the user of a waiting message. It would have been obvious to one of ordinary skill in the art at the time of invention to modify Gilmore per the teachings of Hanson et al and include a playback button to generate the audible message and signal the visible indicator (LED 24) before playing back the message for the purpose of reminding the user of an impending dosage time. Claims 1 and 2 are met. As to claim 2, there are multiple dosage times (one for each day of a calendar month as shown in figure 1A).

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gilmore in view of Hanson et al as applied to claim 1 above, and further in view of Kirton et al. The combination of Gilmore and Hanson et al does not teach recording a warning message and playing such message when the user does not take action after an alert signal for a scheduled dosage. Nonetheless, that feature was well known in the art at the time of invention. Kirton et al disclose an event monitoring device for medicine compliance. In figure 3 there is disclosed a flow diagram which shows that the user gets alerted several times after the initial alert to take medication. Thus, it was taught to further warn the user that medication has to be taken. The art suggests that single notification was not sufficient. It was advantageous to provide multiple notification since the missing of a dose of medicine could have resulted in grave consequences for the user. Therefore,

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it would have been obvious to one of ordinary skill in the art at the time of invention to provide a system of multiple notification in the combination of Gilmore and Hanson et al. Since the Gilmore invention uses voice messages, modifying the combination would involve recording a message that the initial alert was not regarded, thus meeting claim 3.

Claims 4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gilmore in view of Hanson et al as applied to claims 1 and 5 above, and further in view of Sekura et al. The combination of Gilmore and Hanson et al does not disclose changing the current month, date and time to a future period and playing messages recorded for the future period, and changing the month, date, and time to the current month, date and time. Sekura et al teach a prescription compliance device and method comprising a "FUTURE" option (see figure 6A) which allows the user to scroll through the further times medication is to be taken (see column 9 lines 6-21). Hence, Sekura et al teach changing time (via scrolling) to see when other dosages are to be taken. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the combination of Gilmore and Hanson et al by including a "FUTURE" option, per the teachings of Sekura et al, for the purpose of playing messages recorded for a future dosage month, date, and time of day for the benefit of confirming future dosage events.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian T. Pendleton whose telephone number is (571) 272-7527. The examiner can normally be reached on M-F 7-4:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on (571) 272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

btp

  
BRIAN TYRONE PENDLETON  
PRIMARY EXAMINER